

TRULINCS 77123067 - ICKER, MARK ERIC - Unit: BUF-G-A

FROM: 77123067
 TO:
 SUBJECT: COMPASSIONATE RELEASE UPDATE 5/4/23
 DATE: 05/04/2023 03:24:30 PM

United States of America

Vs.

Mark Eric Icker

FILED
 SCRANTON
 MAY 09 2023
 PER *dlw*
 DEPUTY CLERK

SUPPORTING MEMORANDUM

This memorandum is in support of my Motion for Reconsideration of Compassionate Release currently before this honorable court. It is to serve as an update to my medical condition and lack of medical care. On May 2nd, 2023 I emailed health services in reference to why I had not been seen by Neurology at Duke University for my brain tumors. As this court is well aware, I received 3 extensions on my self surrender to get testing done at the University of Pennsylvania in Philadelphia Pennsylvania. The University of Pennsylvania informed me that through their specialized testing they were able to locate AVM's on my brain. On May 4th I received a response stating that the BOP conducted an MRI and there was no brain mass detected. They canceled my Appointment with Neurology over a year ago. The actions here show complete deliberate indifference towards a serious medical condition. In the past I have submitted letters from my Dr's to the BOP stating that I had brain tumors and I needed to be taken care of. This Honorable Court is in possession of those letters. It is also documented on my Duke University Record that I have Brain tumors, which the BOP has. I have also submitted my most recent team sheet which says that they do not have a copy of my medical records. I have been incarcerated since November of 2020. My medical records are vital to my care and the BOP still has not gotten them. I should have been seen by Neurology over a year ago not only for my brain avm's but my stroke as well. The BOP is completely falsifying and downplaying my condition. Had they received my medical records they would have had all this information. Their actions show a complete lack of care in just this situation alone. They are placing my life at risk. I will never be the same person I was before I was incarcerated. Their actions have caused my body to be debilitated at a rapid rate. I also still have not seen anyone since August when I was determined to have hearing loss from my Stroke, and I am in need of a hearing aid. 9 months is a long time for a disability to be left untreated especially because I have difficulty hearing. I also emailed medical about this and they told me they couldn't answer my question.

The lack of care and Deliberate Indifference has violated my Constitutional Rights. Since I last submitted for Reconsideration I have filed several Tort Claims as well as a 1983/Bivens Civil Rights Complaint against several BOP employees (Mark Eric Icker v. Dr. Michael Nwude, et al. Western District of North Carolina No. 5:23-CT-3134-M) for Deliberate Indifference and lack of care. I have attached a Motion from the 4th Circuit showing the Civil rights complaint.

The Government had previously stated that I am receiving excellent and attentive care and my conditions and symptoms are well controlled. On my latest Individualized Needs plan it states that I am a Care Level 3 Unstable, complex chronic care. The BOP previously falsified my Care level to make it appear that my condition was "stable" when in fact it never was. My needs plan also shows "no paper medical record" proving that they never got my Medical Records. I have also completed my Financial Responsibility payment. I am still assessed as a minimum risk recidivism level and well as a minimum on all my scores. I have completed over 30 education courses, as well as multiple FSA courses. I have no Incident Reports and maintain exemplary conduct.

I have now filed even more administrative remedies pleading for help only to be denied. I have not been seen since November by medical, with an Unstable terminal heart condition, as well as multiple other ailments this court is aware of. My blood pressure is still unstable and has not been checked by staff since then either. Since I started filing administrative Remedies I have been harassed and retaliated against for doing so. Several Officers and Lieutenants have either verbally assaulted me or "trashed" my room damaging my personal property. I have filed tort claims on these incidents as well as administrative remedies. I was recently told by a staff member to "sit down somewhere" because "you're pissing off the higher ups because they have to do work". I was also told they were threatening to transfer me. All of my Administrative remedies allege misconduct by staff and are substantiated by the policy that was violated.

Given the above as well as my current Motion for Reconsideration of Compassionate Release, I plead with this Honorable court to help me. I fear for my health and life. I am respectfully requesting to be transferred to home confinement so that I can get the medical care I need to survive. I am not a danger to society and there is nothing to support that I would be.

Mark Eric Icker



United States District Court
Eastern District of North Carolina
Office of the Clerk
PO Box 25670
Raleigh, North Carolina 27611

Phone (919) 645-1700
Fax (919) 645-1750

Peter A. Moore Jr.
Clerk of Court

April 28, 2023

Mark Eric Icker #77123-067
Butner Low - F.C.I.
P.O. Box 999
Butner, NC 27509

Re: Icker v. Nwude et al.
5:23-CT-3134-M

Dear Mr. Icker,

Our office has received and filed your complaint. Your case has been given the above-indicated docket number. **Please use this number when submitting documents for filing in this case.**

If your address changes, a notice of your change of address should be sent to the Clerk's office.

If you want a copy of a filing returned to you, a stamped, self-addressed envelope and an extra copy of the document must be provided.

Upon receipt, your documents are scanned and the scanned copy becomes the official record of the court. To assist with the best possible scan, please adhere to the following.

- Use 8 1/2" by 11" white, paper.
- All documents must include an **original signature**. The "/s/ typed name" is for electronic filers only.
- **Do not highlight your documents.** When scanned, highlights look like black lines and you cannot read the text below the highlight.
- **Leave a margin.** If you write at the very top and very bottom of your paper, most likely, some of your handwriting will be cut off when scanned.
- **Number your pages.** This helps us keep your papers organized and in the correct order.
- **Do not tape your papers.** Tape clogs up the scanner and causes pages to rip.

Thank you for your cooperation.

Sincerely,

/s/ Peter A. Moore, Jr.

Clerk of Court

PAM/rdl

NOTICE TO ALL PARTIES FILING DOCUMENTS
IN THE EASTERN DISTRICT OF NORTH CAROLINA
REGARDING PRIVACY ISSUES

Pursuant to the Federal Rules of Procedure, in response to the privacy concerns created by internet access to court documents, the filing party shall **not** include personal information in any document filed with the court as follows unless otherwise ordered by the court:

- A. **Social Security Numbers and Taxpayer Identification Numbers.** If an individual's social security number or taxpayer identification number must be included in a document, only the last four digits of that number shall be used. (Example: XXX-XX-9999).
- B. **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child shall be used. This includes using the minor's name in the case caption. (Example: John G. Smith should be stated as J.G.S.)
- C. **Date of Birth.** If an individual's date of birth must be included in a document, only the year should be used. (Example: a birth date of 1/11/2011 should be stated as 2011)
- D. **Financial Account Numbers.** If financial account numbers are relevant, only the last four digits of these numbers shall be used. (Example: XXXXXXXX9999)

Other sensitive personal information that should be considered by the filer for possible removal or redaction includes:

- medical records
- employment history
- any personal identification number, including a driver's license number
- financial information
- proprietary or trade secret information
- information regarding an individual's cooperation with the government
- information regarding the victim of any criminal activity
- national security information
- any other sensitive security information



Individualized Needs Plan - Program Review (Inmate Copy)

SEQUENCE: 02219080

Dept. of Justice / Federal Bureau of Prisons

Team Date: 05-02-2023

Plan is for inmate: ICKER, MARK ERIC 77123-067

Facility: BUF BUTNER LOW FCI

Proj. Rel. Date: 05-18-2032

Name: ICKER, MARK ERIC

Proj. Rel. Mthd: FIRST STEP ACT RELEASE

Register No.: 77123-067

DNA Status: OAK04418 / 11-09-2020

Age: 33

Date of Birth: 05-31-1989

Detainers

Detaining Agency	Remarks
NO DETAINER	

Current Work Assignments

Fac	Assignment	Description	Start
BUF	GRA B ORD	ORDERLY	01-18-2023

Current Education Information

Fac	Assignment	Description	Start
BUF	ESL HAS	ENGLISH PROFICIENT	01-12-2021
BUF	GED HAS	COMPLETED GED OR HS DIPLOMA	01-12-2021

Education Courses

SubFac	Action	Description	Start	Stop
BUF	C	SPANISH LEVEL 1	03-06-2023	04-28-2023
BUF	C	GREEN LIVING (UB)	04-10-2023	04-27-2023
BUF	C	SPANISH 1 (UB)	10-11-2022	10-31-2022
BUF	C	LIFE SKILLS MATH-INTEREST & %	08-10-2022	09-02-2022
BUF	C	CREATIVE WRITING	08-10-2022	09-02-2022
BUF	C	REENTRY UB	06-13-2022	07-07-2022
BUF	C	RECONSTRUCTION	04-28-2022	05-23-2022
BUF	C	BUSINESS	04-01-2022	04-22-2022
BUF	C	ECOLOGY	04-01-2022	04-22-2022
BUF	C	GREEN LIVING (UB)	02-24-2022	03-22-2022
BUF	C	CIVIL RIGHTS	02-24-2022	03-22-2022
BUF	C	SCIENCE TERMINOLOGY	01-24-2022	02-16-2022
BUF	C	CUBAN MISSILE CRISIS	01-24-2022	02-16-2022
BUF	C	NUTRITION	12-15-2021	01-11-2022
BUF	C	EMPLOYMENT & CAREER READINESS	12-15-2021	01-11-2022
BUF	C	POETRY-SP (UB)	11-17-2021	12-03-2021
BUF	C	GRAMMAR-SP (UB)	11-17-2021	12-03-2021
BUF	C	MIND SET	11-17-2021	12-03-2021
BUF	C	CIVIL WAR (UB)	11-17-2021	12-03-2021
BUF	C	FINANCIAL LITERACY	10-14-2021	11-05-2021
BUF	C	SOLAR SYSTEM (UB)	10-14-2021	11-05-2021
BUF	C	SHU BUSINESS IND STUDY	08-12-2021	09-08-2021
BUF	C	INTRODUCTION TO HOBBYCRAFT	08-06-2021	08-11-2021
BUF	C	SHU RESTAURANT MGMT IND STUDY	05-25-2021	08-10-2021
BUF	C	INTERFAITH LIFE SKILLS RPP 6	02-14-2021	07-13-2021
BUF	C	SHU REAL ESTATE INVEST IND ST	05-13-2021	06-03-2021
BUF	C	SHU PERSONAL FINANCE IND STUDY	04-19-2021	05-17-2021
BUF	C	SHU GENETICS INTRO IND STUDY	03-16-2021	04-19-2021
BUF	C	MONEY SMART OLDER ADULTS RPP 3	04-08-2021	04-08-2021
BUF	C	SHU NONPROFIT	02-17-2021	03-17-2021

Discipline History (Last 6 months)

Hearing Date	Prohibited Acts
** NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS **	

Current Care Assignments

Assignment	Description	Start
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Individualized Needs Plan - Program Review (Inmate Copy)

SEQUENCE: 02219080

Dept. of Justice / Federal Bureau of Prisons

Team Date: 05-02-2023

Plan is for inmate: ICKER, MARK ERIC 77123-067

Assignment	Description	Start
CARE1-MH	CARE1-MENTAL HEALTH	01-19-2021
CARE3	UNSTABLE, COMPLEX CHRONIC CARE	11-04-2022

Current Medical Duty Status Assignments

Assignment	Description	Start
C19-QUAR	COVID-19 QUARANTINED	12-04-2020
C19-RCVRD	COVID-19 RECOVERED	11-19-2020
LOWER BUNK	LOWER BUNK REQUIRED	05-03-2022
NO PAPER	NO PAPER MEDICAL RECORD	12-03-2020
REG DUTY	NO MEDICAL RESTR--REGULAR DUTY	08-25-2021
YES F/S	CLEARED FOR FOOD SERVICE	08-25-2021

Current Drug Assignments

Assignment	Description	Start
ED NONE	DRUG EDUCATION NONE	01-08-2021

FRP Payment Plan**Most Recent Payment Plan**

FRP Assignment: COMPLT FINANC RESP-COMPLETED Start: 03-28-2023

Inmate Decision: AGREED \$25.00 Frequency: QUARTERLY

Payments past 6 months: \$50.00 Obligation Balance: \$0.00

Financial Obligations

No.	Type	Amount	Balance	Payable	Status	
1	ASSMT	\$200.00	\$0.00	IMMEDIATE	COMPLETEDZ	
Adjustments:		Date Added	Fac	Adjust Type	Reason	Amount
		03-10-2023	BUF	PAYMENT	INSIDE PMT	\$25.00
		12-10-2022	BUF	PAYMENT	INSIDE PMT	\$25.00

FRP Deposits

Trust Fund Deposits - Past 6 months: \$2,442.85

Payments commensurate ? Y

New Payment Plan: ** No data **

Current FSA Assignments

Assignment	Description	Start
FTC ELIG	FTC-ELIGIBLE - REVIEWED	01-15-2021
N-ANGER N	NEED - ANGER/HOSTILITY NO	04-30-2023
N-ANTISO N	NEED - ANTISOCIAL PEERS NO	04-30-2023
N-COGN TV N	NEED - COGNITIONS NO	04-30-2023
N-DYSLEX N	NEED - DYSLEXIA NO	05-28-2021
N-EDUC N	NEED - EDUCATION NO	04-30-2023
N-FIN PV N	NEED - FINANCE/POVERTY NO	04-30-2023
N-FM/PAR N	NEED - FAMILY/PARENTING NO	04-30-2023
N-M HLTH N	NEED - MENTAL HEALTH NO	04-30-2023
N-MEDICL Y	NEED - MEDICAL YES	04-30-2023
N-RLF Y	NEED - REC/LEISURE/FITNESS YES	04-30-2023
N-SUB AB N	NEED - SUBSTANCE ABUSE NO	04-30-2023
N-TRAUMA N	NEED - TRAUMA NO	04-30-2023
N-WORK N	NEED - WORK NO	04-30-2023
R-MIN	MINIMUM RISK RECIDIVISM LEVEL	04-30-2023

Progress since last review

He maintains institutional employment as a unit orderly.
 He recently completed Spanish 1 and Green Living. He is on the Non-Residential SOTP waiting list.
 He is assessed as a recidivism risk of Minimum.

Next Program Review Goals

Enroll in Self Sexual-Regulation, Brain Health and Health & Wellness Throughout the Lifespan by next team October 2023.

TRULINCS 77123067 - ICKER, MARK ERIC - Unit: BUF-G-A

FROM: 77123067
TO: BUF/Health Systems Administrator
SUBJECT: ***Request to Staff*** ICKER, MARK, Reg# 77123067, BUF-G-A
DATE: 05/04/2023 09:44:10 AM

To: health systems administrator
Inmate Work Assignment: orderly

Respectfully those findings are incorrect. I was seeing a specialist at the Univeristy of Pennsylvania prior to my self surrender when I was informed that I had brain tumors from my HHT. To my knowledge my medical records from there still have not been obtained. It is well documented that I have brain tumors, and I even submitted letters from my Dr's to medical for them to process my bottom bunk pass. It is also on my records from Duke University that I have brain tumors.
-----BUF/Health Systems Administrator on 5/4/2023 8:42 AM wrote:

>

MRI obtained of brain on 7/2021 and on 3/15/2022 shows no signs of tumor or mass. No workup was indicated based on these findings.

From: ~^! ICKER, ~^!MARK ERIC <77123067@inmatemessage.com>
Sent: Monday, May 1, 2023 10:21 PM
Subject: ***Request to Staff*** ICKER, MARK, Reg# 77123067, BUF-G-A

To: health systems administrator
Inmate Work Assignment: orderly

I previously emailed in late March inquiring why I have not had a workup for my Brain Tumors at Duke. I received no response. They had recommended me to see a neurologist last year when i saw them in February. What happened to that recommendation and why have i not seen neurology for my brain tumors? This is a serious medical condition especially because i have had a stroke.

TRULINCS 77123067 - ICKER, MARK ERIC - Unit: BUF-G-A

FROM: BUF/Health Systems Administrator
TO: 77123067
SUBJECT: RE:***Inmate to Staff Message***
DATE: 05/04/2023 08:37:02 AM

I am unable to answer that question
We are only in charge of entering the consult not scheduling
You do have a pending consult to see the specialist
Once scheduled you will be placed on HAP move

From: ~^! ICKER, ~^!MARK ERIC <77123067@inmatemessage.com>
Sent: Monday, May 1, 2023 10:23 PM
Subject: ***Request to Staff*** ICKER, MARK, Reg# 77123067, BUF-G-A

To: health systems administrator
Inmate Work Assignment: orderly

I was sent to the audiologist last year in august. I have difficulty hearing on my right side. It has been over 9 months and i have heard nothing and have not seen anyone. Not being able to hear properly is a disability and This is a long delay to get a hearing aid for something so serious. When will I be seeing someone to address this?

Dear Clerk of Courts,

Please add This as evidence/exhibits to my Current Motion for Reconsideration of Compassionate Release, that is before This honorable Court. Thank you for your assistance in this matter.

FILED
SCRANTON

MAY 09 2023

PER

dw
DEPUTY CLERK

Respectfully,

Mark Icker

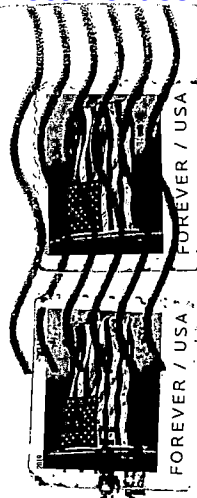
Mark Icker # 77123-067

crim. No. 3:19-cr-00338-001

Mark Ticker 77123-067

Name: Low Security Correctional Institution
P.O. Box 999
Butner, NC 27509

RALEIGH NC
Research Triangle Reg
5 MAY 2023 PM



Clerk of Courts
Middle District of PA
235 N Washington Ave
Scranton Pa 18503

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MAY 09 2023

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DEPUTY CLERK

18503-153423

